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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,876	06/21/2001	Randy L. Hackbarth	2-3-12	6076
46304	7590	10/17/2006		
RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			EXAMINER PITARO, RYAN F	
			ART UNIT 2174	PAPER NUMBER

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,876

Applicant(s)

HACKBARTH ET AL.

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-27 have been examined.
- 2.

Response to Amendment

3. This action is in response to Amendment B filed 8/4/2006. Claims 1-27 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al ("Tang", US2002/0101446) in view of Ponceleon et al ("Ponceleon", Hierarchical Brushing in a Collection of Video Data)

As per independent claim 1, Tang discloses a method for use in providing a Web team portal in a collaborative system comprising the steps of: setting up a plurality of team members to collaboratively communicate (Figure 18); automatically collecting presence information of each of said members in said team ([0111] lines 1-14); automatically determining a current location for each team member ([0103] lines 8-16); and dynamically displaying a visual representation having a plurality of display windows including at least said team members, said collected presence and location information

([01017] lines 1-14), and a set of mechanisms for a team member to use in conjunction with said displayed presence and location information to initiate a prescribed mode of communicating with one or more others of said members in said team for a particular collaborative purpose ([0118] lines 1-5). Tang fails to distinctly point out a time axis and category axis and representing categories by position and graphic elements. Ponceleon teaches wherein said visual representation comprises a time axis having axis positions corresponding to respective ones of a plurality of time ranges, a category axis having axis positions corresponding to respective ones of the team members, and a plurality of graphic elements, a given one of the graphic elements specifying an activity state for a particular one of the plurality of team members for a particular time period, the particular one of the plurality of team members being indicated by position of the graphic element relative to the category axis, the particular time period being indicated by position of the graphic element relative to the time axis (Column 3 lines 46-67, Figure 5). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Ponceleon with the method of Tang. Motivation to do so would have been to provide a visual way of express large amounts of data in one view.

As per claim 2, which is dependent on claim 1, Tang-Ponceleon discloses a method further including a step of a member of said team employing said displayed presence and location information and at least one of said mechanisms to initiate communication with one or more of others of said members in said team (Tang, Figure 18).

As per claim 3, which is dependent on claim 1, Tang-Ponceleon discloses a method wherein said prescribed mode of communicating includes at least either an asynchronous or a synchronous mode (Tang, [0082] lines 20-21).

As per claim 4, which is dependent on claim 3, Tang-Ponceleon discloses a method wherein said step of dynamically displaying includes a step of automatically updating one or more said plurality of display windows (Tang, [0075] lines 11-13).

As per claim 5, which is dependent on claim 4, Tang-Ponceleon discloses a method wherein said steps of automatically collecting presence information include steps of automatically updating said presence and location information, respectively (Tang, [0111] lines 1-14).

As per claim 6, which is dependent on claim 5, Tang discloses a method wherein said presence information for a team member represents prescribed activities of said team member regarding one or more of predetermined instrumentalities and /or actions (Tang, [0116] lines 8-13).

As per claim 7, which is dependent on claim 6, Tang-Ponceleon discloses a method wherein said set of mechanisms includes at least email, chat, voice call or the like (Tang, Tang, [0082] lines 15-26).

As per claim 8, which is dependent on claim 6, Tang-Ponceleon discloses a method further including a step of maintaining said collected and updated presence and location information (Tang, [0111] lines 1-14) and a step of notifying said participants of changes of stats in said presence and location information for members in said team (Tang, [0115] lines 1-7).

As per claim 9, which is dependent on claim 9, Tang-Ponceleon discloses a method wherein said set of mechanisms further includes persistent chat and said step of initiating communication further includes initiating a persistent chat session (Tang, Figure 8b).

Claims 10,18 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 11,19 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 12,20 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 13,21 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

Claims 14,15,22 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claims 16,23 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

Claims 17,24 are individually similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claim 25 is individually similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 26 is individually similar in scope to that of claim 9, and is therefore rejected under similar rationale.

As per claim 26, which is dependent on claim 26, Tang discloses a method wherein said set up unit communication further sets up third party calls (Tang, [0100] lines 1-12).

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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